

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

CRIMINAL NO. 17-134 (WMW/DTS)

Plaintiff,

v.

ORDER

JOHN KELSEY GAMMELL,

Defendant.

The above matter came before the undersigned upon Defendant's Motion to Continue Motions Response Filing Date and Motions Hearing and to Exclude Time Under the Speedy Trial Act [Docket No. 30]. There is no objection to either motion.

The Court, being duly advised upon all of the premises, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED:

1. Defendant's Motion to Continue Motions Response Filing Date and Motions Hearing and to Exclude Time Under the Speedy Trial Act [Docket No. 30] are each granted.

2. All responses to motions must be filed by **September 22, 2017**. D. Minn. LR 12.1(c)(2).

3. Any Notice of Intent to Call Witnesses³ must be filed by **September 22, 2017**. D. Minn. LR 12.1(c)(3)(A).

4. Any Responsive Notice of Intent to Call Witnesses⁴ must be filed by **September 29, 2017**. D. Minn. LR 12.1(c)(3)(B).

5. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

6. If required, the motions hearing will be heard before Magistrate Judge David T. Schultz on **October 30, 2017 at 10:00 a.m.** in Courtroom 9E, U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota. D. Minn. LR 12.1(d). Defendant's arraignment will be held at the same time as the motions hearing.

7. **TRIAL:** Counsel must contact Terianne Bender, Courtroom Deputy for District Judge Wilhelmina M. Wright, at 651-848-1646, to confirm the new trial date.

8. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by the granting of such continuance outweigh the best interest of the public and the Defendant in a speedy trial. This finding is based upon Defendant's Motion to Continue Motions Response Filing Date and Motions Hearing and to Exclude Time Under the Speedy Trial Act [Docket No. 30] and Defendant's Statement of Facts in Support of Exclusion of Time Under Speedy Trial Act [Docket No. 32]. Therefore, the time between **August 30, 2017 and October 30, 2017** shall be excluded from the Speedy Trial Act computations in this case.

Dated: September 1, 2017

s/ David T. Schultz
DAVID T. SCHULTZ
United States Magistrate Judge